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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,392	09/27/2003	Marko W. Pfaff	PL020002	2391

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EXAMINER	
BADII, BEHRANG	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/605,392	PFAFF ET AL.	
	Examiner	Art Unit	
	Behrang Badii	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16,17,19,21,22,26 and 28-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16,17,19,21,22,26 and 28-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

In response to applicant's arguments, the recitation "wherein the permission information comprises a destination identifier and a type designation" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Albeit the recitation "wherein the permission information comprises a destination identifier and a type designation" has not been given patentable weight, it can still be rejected under a 103a rejection via Ginter et al., U.S. patent application publication 2002/0112171 as described in the body of the rejection.

Claims 19 and 21 are addressed below.

2112 [R-3] Requirements of Rejection Based on Inherency; Burden of Proof

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." In re Napier, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure in one of the references). See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

The restriction requirement is still deemed proper as per the last action.

The rejection of the limitation "OLE-LINK1" under 35 U.S.C. 112 is withdrawn.

DETAILED ACTION

Claims 16 – 17, 19, 21 – 22, 26 and 28-35 have been examined. P = paragraph, i.e. p1 = paragraph 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16-17, 19, 21-22, 26 and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlik, U.S. patent 6,807,633, and further in view of Ginter et al., U.S. patent application publication 2002/0112171, Carter et al., U.S. patent application publication 2001/0021252 and Cato et al. USPAP 2003/0120928.

As per claim 16, Pavlik discloses a digital rights source for encoding a digital rights key, the digital rights key having permission information, (abstract), the digital rights source comprising:

a digital signature calculation block operatively coupled to the selector to receive the selected security parameter index and to calculate a digital signature using the selected security parameter index and permission information;

and an assembler operatively coupled to the digital signature calculation block to assemble the digital rights key using the calculated digital signature and the permission information (abstract; col.6, 15-36). Pavlik does not disclose a destination identifier or a type designation (unique identifier) or a selector for selecting a security parameter index among a plurality of security parameter indexes. Ginter et al. discloses a destination identifier (p997 & 504) and a type designation (unique identifier, p 500 & 690). Carter et al. discloses a selector for selecting a security parameter index among a plurality of security parameter indexes (p14). It would have been obvious to modify Pavlik to include a destination identifier and a type designation (unique identifier) such as that taught by Ginter et al. and a selector for selecting a security parameter index among a plurality of security parameter indexes such as that taught by Carter et al. in order to select parameters which will be included in the digital signature such that the parameters selected will make the signature have a lower probability of being broken by unauthorized users.

As per claim 17, Pavlik further disclose wherein the digital rights key has permission information in clear text (electronic data) (abstract; col.6, 15-36); and

wherein the assembler assembles the digital rights key using at least the clear text permission information; and wherein the digital signature calculation block calculates the digital signature using at least the clear text permission information (abstract; col.6, 15-36).

As per claim 19 and 32, Pavlik further disclose wherein the permission information of the digital rights key comprises a feature ID (personal identification number) and a number of feature units (abstract; col.6, 15-36); and

wherein the assembler assembles the digital rights key using at least the feature ID and a number of feature units (abstract; col.6, 15-36).

As per claim 21, Pavlik discloses a digital rights source for encoding a digital rights key as discussed above. Pavlik does not disclose an XML encoder or XML tags surrounding the permission information and/or the digital signature. Cato et al. discloses an XML encoder or XML tags surrounding the permission information and/or the digital signature (abstract). It would have been obvious to modify Pavlik to include an XML encoder or XML tags surrounding the permission information and/or the digital signature such as that taught by Cato et al. in order to facilitate search and file transfer and more easily allow authentication and maintenance of the integrity of the rules-metadata information.

As per claims 22 and 26, Pavlik discloses a digital rights source for encoding a digital rights key as discussed above. Pavlik does not disclose encoding or decoding of the digital key by the digital rights source. Ginter et al. discloses encoding and decoding of the digital key by the digital rights source (p1194, abstract, p1564 and 1926). It would have been obvious to modify Pavlik to include encoding and decoding of the digital key by the digital rights source such as that taught by Ginter et al. in order to protect rights of various participants in electronic commerce and other electronic or electronic-facilitated transactions.

As per claim 28, Pavlik discloses a digital rights source for encoding a digital rights key, the digital rights key having permission information, and a signature (abstract), the digital rights source comprising:

a digital signature calculation block for calculating a digital signature using at least the permission information and an assembler operatively coupled to the digital signature calculation block to assemble the digital rights key using the calculated digital signature and permission information (abstract; col.6, 15-36). Pavlik does not disclose a destination identifier or a type designation (unique identifier). Ginter et al. discloses a destination identifier (p997 & 504) and a type designation (unique identifier, p 500 & 690). It would have been obvious to modify Pavlik to include a destination identifier and a type designation (unique identifier) such as that taught by Ginter et al. in order to protect rights of various participants in electronic commerce and other electronic or electronic-facilitated transactions.

As per claim 29, Pavlik further discloses a digital signature calculation block operatively coupled to the selector to receive the selected security parameter index and to calculate a digital signature using the selected security parameter index and permission information (abstract; col.6, 15-36). Pavlik does not disclose a security parameter index or a selector for selecting a security parameter index among a plurality of security parameter indexes. Carter et al. discloses a security parameter index and a selector for selecting a security parameter index among a plurality of security parameter indexes (p14). It would have been obvious to modify Pavlik to include a selector for selecting a security parameter index among a plurality of security parameter indexes

such as that taught by Carter et al. in order to select parameters which will be included in the digital signature such that the parameters selected will make the signature have a lower probability of being broken by unauthorized users.

As per claims 30 and 31, Pavlik discloses a digital rights source for encoding a digital rights key as discussed above. Pavlik does not disclose a destination identifier or a type designation (unique identifier). Ginter et al. discloses a destination identifier (p997 & 504) and a type designation (unique identifier, p 500 & 690). It would have been obvious to modify Pavlik to include the usage of a destination identifier and the type designation (unique identifier) in the digital rights key such as that taught by Ginter et al. in order to in order to protect rights of various participants in electronic commerce and other electronic or electronic-facilitated transactions (Ginter et al.; abstract).

As per claim 33, Pavlik discloses digital rights key with permission information, assembling the key using the information and digital signature block calculating the digital signature using the permission information as discussed above. Pavlik doe not disclose clear text. Cato et al. does disclose clear (plain) text (abstract, p26). It would have been obvious to modify Pavlik to include clear (plain) text such as that taught by Cato et al. in order to facilitate search and file transfer and more easily allow authentication and maintenance of the integrity of the rules-metadata information (Cato et al., abstract).

As per claims 34 and 35, Pavlik discloses a digital rights source for encoding a digital rights key as discussed above. Pavlik does not disclose encoding or decoding of the digital key by the digital rights source. Ginter et al. discloses encoding and

decoding of the digital key by the digital rights source (p1194, abstract, p1564 and 1926). It would have been obvious to modify Pavlik to include encoding and decoding of the digital key by the digital rights source such as that taught by Ginter et al. in order to protect rights of various participants in electronic commerce and other electronic or electronic-facilitated transactions.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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or faxed to (571)273-8300

Hand delivered responses should be brought to

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Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

Behrang Badii
Patent Examiner
Art Unit 3621

BB

PRIMARY EXAMINER